

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CATHERINE FARRIS

§

VS.

§

C.A. NO. 5:19-cv-1139

WAL-MART STORES TEXAS, LLC

§

JURY DEMANDED

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441**

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Wal-Mart Stores Texas, LLC, hereby removes to the Court the state action described below.

1. On August 15, 2019, a civil action was commenced, in the 150<sup>th</sup> Judicial District Court of Bexar County, Texas, entitled *Catherine Farris v. Wal-Mart Stores Texas, LLC*, Cause No. 2018CI16601. A copy of Plaintiff's Original Petition and Discovery Requests is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendant, Wal-Mart Stores Texas, LLC by certified mail on August 23, 2019. Defendant, Wal-Mart Stores Texas, LLC first received a copy of said Petition on August 29, 2018. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendant, Wal-Mart Stores Texas, LLC has filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D** and a Notice of Filing of Removal to Federal Court, attached as **Exhibit E**. Defendant, Wal-Mart Stores Texas, LLC has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

JURISDICTION AND VENUE

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant, Wal-Mart Stores Texas, LLC is a limited liability company formed under the laws of Delaware, with its principal place of business in Arkansas. The sole member of Wal-Mart Stores Texas, LLC is Wal-Mart Real Estate Business Trust. Wal-Mart Real Estate Business Trust is a Delaware statutory trust with its principal place of business in Arkansas. The sole unit holder of Wal-Mart Real Estate Business Trust is Wal-Mart Property Co. which is a wholly owned subsidiary of Wal-Mart Stores East, LP. Wal-Mart Property Co. is a corporation formed under the laws of the State of Delaware with its principal place of business in the State of Arkansas. Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. WSE Management, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. WSE Investment, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. (f/k/a Wal-Mart Stores East, Inc.), whose parent company is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Wal-Mart Stores East, LLC is a limited liability company formed under the laws of the State of Arkansas, and has its principal place of business in the State of Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. (f/k/a Wal-Mart Stores, Inc.). Walmart Inc. (f/k/a Wal-Mart Stores, Inc.) is a corporation incorporated in the State of Delaware, with its principal place of business in Arkansas. Plaintiff is a citizen of Tennessee, with her residence in Sumner County, Tennessee.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 4 of Plaintiff's Original Petition.*

6. Venue is proper in the Western District of Texas, San Antonio Division because this District and Division embrace the place in which the action is pending.

Dated: September 20, 2019

Respectfully submitted,

Daw & Ray  
A Limited Liability Partnership

/s/ *Willie Ben Daw, III*  
Willie Ben Daw, III; TBN: 05594050  
Email: [wbdaw@dawray.com](mailto:wbdaw@dawray.com)  
James K. Floyd; TBN: 24047626  
Email: [jfloyd@dawray.com](mailto:jfloyd@dawray.com)  
14100 San Pedro Ave., Suite 302  
San Antonio, Texas 78232  
(210) 224-3121 Telephone  
(210) 224-3188 Facsimile

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by electronic service on this the 20<sup>th</sup> day of September, 2019.

Andrew E. Toscano  
GENE TOSCANO, INC.  
846 Culebra, Ste. 104  
San Antonio, Texas 78201-6244

*Email: [atoscano@genetoscano.com](mailto:atoscano@genetoscano.com)*

/s/ *Willie Ben Daw, III*  
Willie Ben Daw, III

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**INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION**

- (A) Plaintiff's Original Petition and Discovery Requests
- (B) Citation
- (C) Defendant's Original Answer
- (D) Defendant's Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record